

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID ERIC ALLEN : CIVIL ACTION
v. :
MR. LAWRENCE MAHALLY, et al. : NO. 14-6491

ORDER

AND NOW, this 18th day of May, 2015, upon careful and independent consideration of the petitions for writ of habeas corpus, the respondents' opposition and petitioner's reply, thereto, the petitioner's motion to initiate summary judgment to discharge habeas corpus petitioner from state custody (Docket #18), the petitioner's motion to grant habeas corpus petition and immediate release from state custody (Docket #20), and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, and the petitioner's objections, thereto, IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petitioner's motions to initiate summary judgment are DENIED;
3. The petitioner's objections to R&R are OVERRULED;
4. The petition for writ of habeas corpus as to petitioner's Montgomery County conviction is DISMISSED with prejudice;

5. The petition for writ of habeas corpus as to petitioner's Philadelphia County sentence is DISMISSED without prejudice;

6. There is no probable cause to issue a certificate of appealability; and

7. The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ Mary A. McLaughlin _____
MARY A. McLAUGHLIN, J.